

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	
)	Case No. 1:10-cr-75-15
v.)	
)	Judge McDonough/Steger
KRISTI KELLY)	

MEMORANDUM AND ORDER

KRISTI KELLY (“Defendant”) came before the Court for an initial appearance on January 12, 2018, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision (“Petition”) [Doc. 737].

After being sworn in due form of law, Defendant was informed of her privilege against self-incrimination under the 5th Amendment and her right to counsel under the 6th Amendment to the United States Constitution.

The Court determined Defendant wished to be represented by an attorney and that she qualified for the appointment of an attorney to represent her at government expense. Consequently, the Court APPOINTED attorney Erin Rust to represent Defendant.

Defendant was furnished with a copy of the Petition, and had an opportunity to review that document with her attorney. The Court determined that Defendant was able to read and understand the Petition with the assistance of her counsel. In addition, AUSA Jay Woods explained to Defendant the specific charges contained in the Petition. Defendant acknowledged she understood the charges in the Petition.

The Government moved Defendant be detained pending disposition of the Petition or further Order of this Court. The Court explained Defendant’s right to a preliminary hearing and detention hearing and what those hearings entail. Ultimately, after conferring with her counsel, Defendant waived the preliminary hearing and detention hearing. *See* [Doc. 740].

The Court finds that probable cause exists to demonstrate that Defendant has committed violations of her conditions of supervised release, and that Defendant has not carried the burden of establishing by clear and convincing evidence that she will not flee or pose a danger to any other person or to the community. Consequently, the Court **GRANTED** the Government’s oral motion to detain Defendant pending disposition of the Petition or further Order of this Court.

It is, therefore, **ORDERED** that:

1. Counsel for Defendant and the Government shall confer and make best efforts to submit to United States District Judge McDonough a proposed Agreed Order with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision.
2. In the event counsel are unable to reach agreement with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision, they shall request a hearing before United States District Judge McDonough.
3. The Government's motion that Defendant be DETAINED WITHOUT BAIL pending further Order of this Court is **GRANTED**.

ENTER.

/s/Christopher H. Steger
United States Magistrate Judge